



**REPLY UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2166**

**PATENT**  
5681-11700/P7517

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/087,234

Filed: March 1, 2002

**Inventors:**

Ajay Kumar

Hanumanthu Rao Susarla

Prakash Khemani

Title: LOCK MECHANISM FOR  
A DISTRIBUTED DATA  
SYSTEM

Examiner: Hwang, Joon H.

Group/Art Unit: 2166

Atty. Dkt. No: 5681-11700

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert

Printed Name

RTCK Sept

Signature

September 12, 2006

Date \_\_\_\_\_

## REQUEST TO WITHDRAW FINALITY OF FINAL ACTION OF APRIL 21, 2006

**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Final Action of April 21, 2006, to request removal of the finality of the Office Action.

## **REMARKS**

### **Finality of the Rejection:**

Applicants respectfully request removal of the finality of the Final Action because the Examiner has included a new ground of rejection not necessitated by amendment. Specifically, the Examiner has rejected claims 10, 11 and 13-16 under U.S.C. § 112, second paragraph. As stated in the M.P.E.P at 706.07(a), a “second or any subsequent actions on the merits shall be final, *except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement*”. The current 35 U.S.C. § 112 rejections of claims 10 and 13 are new grounds of rejection that were not necessitated by any amendment of the claims nor was it based on information submitted in an information disclosure statement. Thus, the finality of the current Office Action is improper and removal thereof is respectfully requested.

During a telephone interview on September 8, 2006 between Examiner Hwang and Applicants’ undersigned attorney, the Examiner agreed to remove the finality of the Office Action and send a new, non-final Action.

### CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-11700/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: September 12, 2006